

REMARKS

By the foregoing Amendment, the Related Applications section of the application has been amended, Claim 24 has been amended, and Claims 16-23 have been cancelled. Favorable reconsideration of the application is respectfully requested.

Claims 16 and 24 were rejected under 35 U.S.C. 112, second paragraph, on the grounds of indefiniteness. Claim 16 has been cancelled. The Examiner indicated that the term "most" was a relative term, was not defined by the claims or specification to provide a standard for ascertaining the requisite degree, and that one of ordinary skill would not be reasonably apprised of the scope of the invention. The Examiner then proceeded to define the term "most" as referring to "the majority which can be from 50 to 100 percent," which seems to be sufficiently understandable and definite. According to Webster's New Collegiate Dictionary, 1980, the first definition of "most" is "the majority of," and one of the definitions of "majority" is "a number greater than half of a total," which is commonly understood and understandable by one of ordinary skill. To address the Examiner's contention that the term "most" is not defined in the specification, Claim 24 has been amended to substitute "a majority" for "most," and support for this change of wording can be found in the specification at page 3, line 1. It is respectfully submitted that the term "majority" is a proportional term so that no recitation of an absolute sheath length is necessary in order for the claims to be sufficiently definite. It is therefore respectfully submitted that the rejection of Claims 16 and 24 should be withdrawn.

Claims 16, 19-21 and 26-28 were rejected under 35 U.S.C. §102(a) on the grounds of anticipation by Diaz et al., published May 6, 2004. Claims 16-23 have been cancelled. The present application properly claims domestic priority to the filing date of November 9, 2001 of parent application 09/990,759. It is therefore respectfully submitted that the application of Diaz et al. under 35 U.S.C. §102(a) is inappropriate, and that the rejection of Claims 16, 19-21 and 26-28 under 35 U.S.C. §102(a) on the grounds of anticipation by Diaz et al. should be withdrawn.


Claims 17, 18, 22, 23 and 25-30 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Diaz et al. in view of Ahmed. Claims 16-23 have been cancelled. The Examiner acknowledged that Diaz et al. does not disclose an angled configured guide. Ahmed was cited as disclosing angled winged flanges. Claim 24 recites "wherein the upper wall of the elongated tubular member adjacent to the slot has an angled configuration on the outside surface of the hollow, elongated tubular member." It is respectfully submitted that Ahmed does not teach, disclose or suggest the outside surface of the upper wall of the elongated tubular member adjacent the slot having an angled configuration. In Ahmed, the outside surface of the upper wall of the elongated tubular member adjacent the slot of Ahmed has the same tubular curvature on the outer surface as the rest of the tubular member. Claims 25-30 depend from Claim 24. It is therefore respectfully submitted that Claims 25-30 are novel and inventive over Diaz et al. and Ahmed, taken either individually or in combination, and that the rejection of Claims 17, 18, 22, 23 and 25-30 on the grounds of obviousness from Diaz et al. in view of Ahmed should be withdrawn.

Claims 16-30 were rejected under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-7 of U.S. Patent No. 6,716,223. The Examiner indicated that the conflicting claims were not patentably distinct, and that Claims 16 and 24 were encompassed by Claim 1 of the patent. Claims 16-23 have been cancelled. Claim 24 recites "A sheath in combination with a vasoocclusive device." Claim 1 of the patent claims a sheath not in combination with a vasoocclusive device. In addition, in the Office Action dated November 26, 2002, in the parent application, Serial No. 09/990,759 filed November 9, 2001, restriction was required between Claim Group I, claims 1-15, relating to a sheath, and Claim Group II, claims 16-30, relating to a sheath in combination with a vasoocclusive device, and the Examiner found that the inventions of Claims 1-15 and of Claims 16-30 were distinct. Claim Group I, claims 1-15, was elected in the parent application, and Claims 16-30 were cancelled on the basis of the restriction requirement. It is therefore respectfully submitted that Claims 24-30 are patentably distinct from Claims 1-7 of U.S. Patent No. 6,716,223, and that the rejection of Claims 16-30 under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-7 of U.S. Patent No. 6,716,223 should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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